



U-Pick-It Response

Michael Schmidt

to:

Deborah Bredehoft

10/01/2012 05:57 PM

Cc:

"abrennanupi@gmail.com", Ashley Martell

Hide Details

From: Michael Schmidt <mschmidt@jamesenvironmental.com>

To: Deborah Bredehoft/R7/USEPA/US@EPA

Cc: "abrennanupi@gmail.com" <abrennanupi@gmail.com>, Ashley Martell  
<amartell@jamesenvironmental.com>

1 Attachment



2012-10-1 NOV response (2nd).pdf

Deborah,

On behalf of U-Pick-It, James Environmental Management, Inc. is submitting the 2<sup>nd</sup> response to the site inspection. I will contact you tomorrow to make sure that you did receive the response document.

Thank you,

Michael C. Schmidt

Environmental & Regulatory Affairs

James Environmental Management, Inc.

(p) 512.244.3631

(f) 512.244.0853

RCRA



521825



October 1, 2012

Ms. Deborah Bradehoft  
U.S. Environmental Protection Agency  
Region 7  
901 North 5th Street  
Kansas City, Kansas 66101

RE: Letter of Warning/Request for Information  
U-Pick-It  
Kansas City, Missouri

Dear Ms. Deborah Bradehoft:

On behalf of Adam Moran and U Pick-It, James Environmental Management, Inc. is submitting the additional information regarding U-Pick-It compliance status.

**1. With regard to Violation number 1, please provide the following:**

**a. color photograph documenting the used oil has been removed;**

*Response: U-Pick-It has made an effort to remove some stain soil from various spots around the facility. The heaviest staining is located in the west vehicle storage area. This area contains 3 inlet stormwater basins that discharge to a 48 inch stormwater pipe that ultimately discharges to Blue River.*

*Due to the potential to discharge fluids directly to Blue River, U-Pick-It will primarily concentrate on removing all oil stain soils in the west vehicle storage area. Without hurting the economic viability of the business, it has been projected to take up to 2 years to remove all stained soil. The west vehicle storage area stores between 400 and 500 Ford and GM vehicles and it normally takes 30 days to pull one row of vehicles.*

*While the entire row has been pulled, crews and an inloader will remove oil stained soil. The oily soil will be collected and stored in a roll off box. A sample of the material will be collected for a hazardous waste determination. Once all oil stains soil has been removed the soil will be replaced with road pack.*

*U-Pick-It will designate a team on a weekly basis to collect auto debris and trash that has built up in the west vehicle storage. This will help reduce some of the automotive fluids that run off during storm events.*

**b. copies of the removal paperwork, specifically highlighting which shipments included the oily soil generated from the clean-up of oil spills in response to the EPA's inspections;**

*Response: The copies of the manifest for oily soil shipped out are in Appendix A.*

- c. within the June 22, 2012, response, your consultant advised you to purchase microbes to degrade the oil in the soil and advised you to spray an amount of microbes proportional to the degree of the oil spills observed during routine inspections of the facility. Although the microbes may aid in degrading the oil in the soil, it does not meet the requirements to clean up and manage properly the released used oil and other materials as is required under 40 CFR 279.22(d)(3). Please provide a narrative outlining how your facility will ensure compliance with the requirement to clean up and manage properly the released used oil and other materials.

*Response: Missouri regulations require that all spills be cleaned up within 24 hours. Employees will immediately determine the source of any staining for elimination or control. Automotive fluids that have spilled on to pervious surfaces such as native soil, gravel, sand, or clay will be excavated using a shovel or inloader. The residue will be collected and stored in a roll-off box or 55 gallon container. Other stains will be cleaned using appropriate methods, i.e., application of oil absorbents, excavation, removal and proper disposal, etc. Once all the contaminated material has been removed U-Pick-It will use microbial products to remove any remaining fluids. U-Pick-It has already profiled residue contaminated with automotive fluids with the regional landfill.*

2. With regard to Violation Number 3.b. and 3.b., you stated that these containers are excluded from the regulations under 40 CFR 261.4. To back up your claim, you provided (1) analysis for 2 samples of oil soil (2) four waste profiles for used oil from oil changes (provided two copies), oily dirt/soil, and oily absorbent; and (3) bills of lading/manifest. Based on the information provided, it appears that the 5, 55 gallon containers were sent off-site on manifest number 003145294SKS as used oil and absorbent mixture and the 2, 5-gallon containers were sent off-site on the same manifest as non-RCRA/non-DOT regulated liquid material. Please provide the following:

- a. which of the containers were sampled;
- b. a narrative outlining how the 5, 55 gallon containers were determined to hold used oil and absorbent mixture; and

*Response: The contents of the 5, 55 gallon containers were determined to hold used oil and absorbent mix based on generator knowledge. A current process at the U-Pick-It facility is the removal of all automotive fluids, such as oil, gasoline, antifreeze, break and transmission fluid, and windshield washing fluid. The operator will use a chisel to punch a hole in a vehicle's oil pan. This process usually results in small amounts of oil leaking on to the ground or secondary containment.*

*Oil that lands on the concrete around the draining racks is immediately soaked up with oil absorbent. Once the oil has been completely absorbed, the oil soaked absorbent is shoveled into a container. This is how it was determined that the containers hold absorbent.*

*It was determined that the used oil in the 55 gallon containers was collected when the operator was removing oil from a vehicle. Normally, used oil is collected in a container then pumped directly to the used oil tank. When the pump malfunctions the used oil is stored in containers until the pump is operational. These drums were most likely forgotten about and the contents were never pumped into the used oil tank.*

- c. A narrative outlining how the 2, 5-gallon containers were determined to contain non-RCRA/non-DOT regulated liquid materials.

*Response:* The 2, 5 gallon containers were determined to contain used antifreeze. A current process at the U-Pick-It facility is the removal of all automotive fluids, such as oil, gasoline, antifreeze, break and transmission fluid, and windshield washing fluid. During the fluid removal process some of the antifreeze from an automobile was collected in these containers.

3. With regards to Violation 3E, please provide the amount of mercury switches and/or ampules sent to End of Life Vehicles Solutions ELVS (between July 29, 2009 and April 29, 2012).

*Response:* The facility joined the ELVS program in July 29, 2009 and the last activity noted was in April 30, 2012. On April 30, 2012 two containers were sent, one containing 295 light switches with a weight of mercury of 0.649 lbs and 115 light switches with a weight of mercury 0.253. A total of 410 light switches were accepted with a total weight of mercury of 0.90 lbs. No shipments of mercury switches and/or ampules were made prior to the April 30, 2012 shipment.

4. With regard to the approximately one-inch of waste gasoline in the storage tank containment, as discussed on page 7 of the EPA's inspection report, the inspector provided U-Pick-It with a copy of the Missouri Department of Natural Resource's fact sheet titled "Managing Gasoline Dispenser fuel Filters and Wastes Associated with the Operation of Fuel Dispensing Systems." Within the EPA's April 24, 2012, Letter of Warning/request for Information, the EPA had inquired if you intended to manage the waste gasoline as a used oil and dispose of it utilizing Safety Kleen. Upon further review of the Missouri Department of natural Resource's guidance and the regulations, managing of the waste gasoline as a used oil is only an option provided that your facility remains a conditionally exempt small generator and that waste gasoline is mixed with the used oil (in accordance with 40 CFR 261.5(j)). Please provide the following:

- a. when the waste gasoline within the secondary containment was removed; and

*Response:* The secondary containment for the waste gasoline tank still contains waste gasoline. James Environmental Management contacted Safety Kleen and Adam Brennan, U-Pick-It Manager concerning the cleanout of the secondary containment. Safety Kleen submitted a proposal to clean out the secondary containment at the U-Pick-It facility. U-Pick-It is currently waiting to initial the proposal.

5. During the inspection, the inspector requested additional information. The request are reiterated within the inspection report on the listed pages below along with requests for additional information:

- a. On page 7 of the inspection report, the inspector stated that you had told her that the tank was cleaned out within the previous five years, but that you did not know the details of the tank clean out. Please indicate if any documents were found that outline the following information regarding the waste gasoline fuel tank:
- i. the date when the fuel tank was last cleaned:

*Response:* The contents of the tank were cleaned and removed by Dupree Testing Services on October 9, 2009 and later recycled at Allied Industrial Services.

- ii. the name(s) of the individual(s) that cleaned the tank; and

*Response:* Trent Buss was the technician from Dupree Testing Services that completed the task of removing the gasoline/diesel mixture from the gasoline tanks.

**iii. A narrative and supporting documentation outlining what was done with any fuel/waste gasoline removed from the fuel tank.**

**Response:** *Dupree Testing Services was contracted to pump out the gasoline/diesel mixture and transport material to Magellan Midstream Partners, LP where the material was reclaimed. Dupree Testing Services and Magellan Midstream Partners, LP were contracted for disposal through Allied Industrial Services. Appendix B*

- b. On page 11 of the inspection report, the inspector observed multiple drains in the areas where used oil was spilled and inquired where the drains discharged. Within U-Pick-it's February 23, 2012, response, U-Pick-it stated that their consultant, E&A Consulting Group, Inc. was applying for a Missouri State Operating permit for motor vehicle yards and scrap metal recycling operations that authorizes storm water discharges under the Missouri Clean Water Law and the National Pollutant Discharges Elimination System. Within your June 22, 2012, response, you provided copies of the Missouri State Operating Permit that issued on June 12, 2012, and the Motor Vehicle Salvage Business License that was issued on July 1, 2012. Additionally, you provided a map.**

- i. You indicated that you had a storm water permit at the time of the inspection; please provided a copy of the storm water permit that was in effect at the time of inspection.**

**Response:** *The permit was maintained onsite and made available, upon request, to a representative of a regulatory agency. U-Pick-It did not have a storm water permit prior to the permit issued on June 12, 2012.*

- ii. You provided a map of the property that included a legend; however, the map did not specifically outline the drain locations or where the drains discharged. Please provide a revised map that specifically outlines the drain locations and where the drains discharge.**

**Response:** *A revised map of the property has been included with this response. The drains discharge into the Blue River. U-Pick-It is currently contracting a Professional Engineer licensed in the state of Missouri to install an oil water separator. Map Appendix C.*

If you have questions regarding this response letter, please contact Michael Schmidt at James Environmental Management, Inc. at (512) 244-3631 or via email at [mschmidt@jamesenvironmental.com](mailto:mschmidt@jamesenvironmental.com).

Sincerely,



Michael C. Schmidt

Cc: Adam Brennan, U-Pick-It Manager

## **Appendix A**

**Supporting documentation of the removal paperwork for the oily soil  
generated from the clean-up of oil spills.**



# NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV  
If waste is NOT asbestos waste, complete Sections I, II and III

PO 103126

**I. GENERATOR (Generator completes Ia-f)**

a. Generator's US EPA ID Number: CES00 b. Manifest Document Number: 101 c. Page 1 of 1

d. Generator's Name and Location:  
U Pick It  
7700 Winner Rd.  
Kansas City, MO 64125  
f. Phone: 816.708.1017

e. Generator's Mailing Address:

g. Phone:

h. Owner's Name:

i. Owner's Phone No.:

j. Waste Profile #

k. Exp. Date

l. Waste Shipping Name and Description

m. Containers

n. Total Quantity

o. Unit

No.	Type	Quantity	Unit
4138125204	03/30/14	Oily Dirt	001 T

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if this waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR 268 and is no longer a hazardous waste as defined by 40 CFR 261.

p. Generator Authorized Agent Name (Print): Adam Moran q. Signature: [Signature] r. Date: 6-9-12

**II. TRANSPORTER (Generator completes IIa-b and Transporter completes IIc-e)**

a. Transporter's Name and Address:  
Same as Generator

b. Phone: 760-793-4312

c. Driver Name (Print): Ronald J. Gillespie d. Signature: [Signature] e. Date: 6-8-2012

**III. DESTINATION (Generator complete IIIa-c and Destination Site completes IIId-g)**

a. Disposal Facility and Site Address:  
Courtney Ridge Landfill  
2001 N. 291 Hwy  
Sugar Creek, MO 64058  
b. Phone: 816.257.7999

c. US EPA Number

d. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

e. Name of Authorized Agent (Print): [Signature] f. Signature: [Signature] g. Date: 6-8-12

**IV. ASBESTOS (Generator completes IVa-f and Operator complete IVg-l)**

a. Operator's Name and Address:

b. Phone: N/A

c. Responsible Agency Name and Address:

d. Phone: N/A

e. Special Handling Instructions and Additional Information: N/A

f. ☐ Friable ☐ Non-Friable ☐ Both % Friable N/A % Non-Friable N/A

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.

g. Operator's Name and Title (Print): [Signature] h. Signature: [Signature] i. Date: [Signature]

\*Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation or both

UPICK IT 6/9/20



## **Appendix B**

### **Gas Tank Clean-Out**

**STRAIGHT BILL OF LADING - SHORT FORM - NOT NEGOTIABLE**

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

Shipper's No

98687 00

091014 142114



At Kansas City, Missouri KCL

From **Allied Oil & Supply, Inc.**

SOLD

SHIPPED

TO CASH-SALE INDUSTRIAL SERVICES  
HOUSE ACCOUNT  
3150 E FRONT ST  
KANSAS CITY MO 64120TO U PICK IT  
7400 S 24 HWY  
KANSAS CITY MO

1499000 98687/00 SM/CMH \$15.58 PH WHS: 04

ORDER DATE 10/14/09		SHIPPING DATE		CUSTOMER P.O. NO.		SHIPPED VIA GMH ENVIRONMENTAL		Z1 CASH		C.O.D. \$	
HM	ORDERED	SHIPPED	ITEM NUMBER		DESCRIPTION OF ARTICLES, SPECIAL MARKS, AND EXCEPTIONS				PRICE	AMOUNT	WGT.

THANK YOU FOR GIVING US THE OPPORTUNITY TO SERVE YOU

\* \* \* SCOPE OF WORK: COLLECT WASTE GASOLINE FOR DISPOSAL \* \* \*

3 EA	7355226708	ALLIED ENVIRONMENTAL VAC TRUCK ST-05 9.5 HOURS	135.000	472.50	
1 EA	99010	FUEL CHARGE	35.000	35.00	
630 EA	7355226720	ENVIRONMENTAL DISPOSAL	150	94.50	6
1 EA	7355226706	INVENTORIED ITEM XXXXXX			

PRINT NAME  
SIGNATURECASH SALE  
DRIVER COLLECT

BILLED OCT 27 2009

PCKR CHKR DRVR PRINT NAME SIGN

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

R.C. HEINSON

Shipper's Impression (in lieu of stamp, not a part of bill of lading approved by the Interstate Commerce Commission).

The three boxes used for this shipment conform to the specifications set forth in the box marker's certificate thereon, and all other requirements of Consolidated Freight Classification.

NOTE: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby notified by the shipper to be not exceeding \$1000.

If the agreement moves between two parts by a carrier by water, the law requires that the shipper indicate and state whether it is carrier's or shipper's property.

TAX \$	TOTAL WEIGHT
TOTAL \$ 602.00	6
TAX NO.	

The signed (herein called purchaser) purchases from Allied Oil &amp; Supply, Inc. the Seller, and grants to same a security interest in the property received hereon.

Allied Oil &amp; Supply, Inc.

Shipper, Per

Agent

Per

Permanent post-office address of shipper: 2409 South 24th St. • Omaha, NE 68108

15% RESTOCKING CHARGE ON RETURNS AFTER 30 DAYS

REMIT TO: MSO 655, PO BOX 3366, OMAHA, NE 68176-0655



# Allied Industrial Services

## Environmental Division Worksheet

1617

Location

U Pick IT

Date

10-9-09

9700 E 24 Hwy

Oxnard, CA 91320

Time In

## NOTES

Time Out

Remove fuel from container. Be disposed.

Info to be determined @ scale master for city.

1230 gallons total

PRODUCT

DRUMS

GALLONS

PETROLEUM  
CONTACT WATER

USED OIL

USED ANTIFREEZE

ABSORBANTS

TECHNICIAN

ON SCENE

RELEASED

CONTRACTOR

CONTACTED

ON SCENE

RELEASED

Equipment On Scene:

Additional Personnel/Contractors:

Confined Space Entry: Y / N

Permit Required: Y / N

Permit #

Time In

Time Out

Scene Supervisor:

Site Safety Officer:

Customer

Representative:

Title:

**THE RECLAMATION FACILITY**

DELIVERY TICKET #

**09530**

A division of Magellan Midstream Partners, L.P.

1090 Sunshine Road, Kansas City, KS 66115

Phone (913) 647-8580

Fax (913) 647-8578

Date: 10/9/2009

Time: 15:00

**Shipper Information**

<b>SHIPPER</b>		<b>BOL or Manifest #</b>		<b>TRANSPORTER</b>	
Allied Oil	1		111		1
		<b>U Pick It</b>		<b>Dupree Testing Services</b>	

**Volume Information****Drum Information**

<b>Classification</b>	<b>Received into Tank</b>	<b>Total Drums Received</b>
FT IN 1/8	Volume in 42 gallon Barrels	N/A Drums
Opening Gauge 1 1 1	0	<b>Classification</b>
FT IN 1/8		N/A
Closing Gauge 1 1 1	0	<b>Handling Fee</b>
	0	0 Drums
<b>Water Usage</b>		<b>Disposal Fee</b>
(Rinse water added)		0 Drums
<b>Tanker Volume</b>	15	
(Estimated original tanker volume)		
<b>Total Liquid Received</b>	15	
(measured tank addition)		
<b>Unpumpable Solids</b>	0	
(Settled solid content)		
<b>Estimated Oil Deduction</b>	15	
(Good oil/No cost)		
<b>Total Billed Volume</b>	0 BBL's	

**Comments**

Unload time (hours)	1
---------------------	---

  
Magellan Representative

  
Transporter Representative



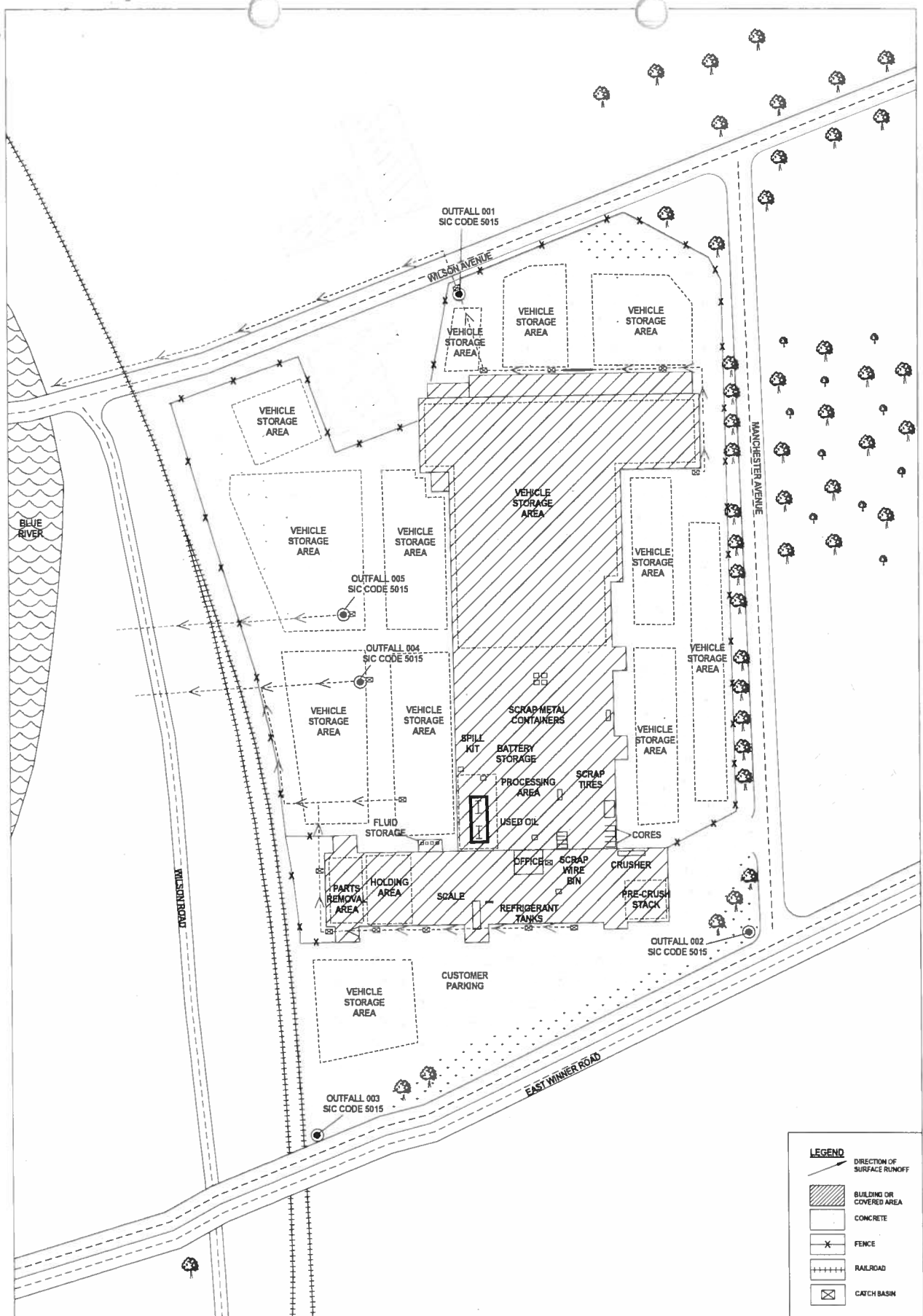
Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number		
		KS R000507954			005657495 JJK		
6. Generator's Name and Mailing Address		Generator's Site Address (if different than mailing address)					
U-Pick it 7700 E 24 Hwy Kansas City, MO 64125							
Generator's Phone:							
8. Transporter 1 Company Name		U.S. EPA ID Number					
D. PREE TESTING SERVICES		09414001000					
7. Transporter 2 Company Name		U.S. EPA ID Number					
8. Designated Facility Name and Site Address		U.S. EPA ID Number					
1							
Facility's Phone:							
9a. HM		9b. U.S. DOT Description (Including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers	11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes
				No. Type			
1.		1203		TT			
2.							
3.							
4.							
14. Special Handling Instructions and Additional Information							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(c) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Officer's Printed/Typed Name		Signature		Month		Day	Year
Adam Brennan				10		9	09
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:							
Transporter signature (for exports only):							
17. Transporter Acknowledgment of Receipt of Materials							
Transporter 1 Printed/Typed Name		Signature		Month		Day	Year
Trent Buss				10		9	09
Transporter 2 Printed/Typed Name		Signature		Month		Day	Year
18. Discrepancy							
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
Manifest Reference Number:							
18b. Alternate Facility (or Generator)		U.S. EPA ID Number					
Facility's Phone:							
18c. Signature of Alternate Facility (or Generator)				Month		Day	Year
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1.		2.		3.		4.	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a							
Printed/Typed Name		Signature		Month		Day	Year
Revby: J.P. Myers							

## **Appendix C**

### **U-Pick-It Facility Site Map (Drainage)**



James  
Environmental  
Management, Inc.  
Round Rock, Texas



SITE PLAN

U-PICK-IT

KANSAS CITY, MISSOURI

SCALE

MTK

06/12

XXXX

**FIG 2**

